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COUNTIES: Board of Commissioners, report of meeting

Published report of meeting of a board of county commissioners must be specific enough to indicate what occurred at the meeting but need not be a verbatim transcript.

Opinion No. 4820

June 7, 1974.

Honorable Bela E. Kennedy
State Representative
The Capitol
Lansing, Michigan 48901

You have requested an opinion from this office on the following matter:

"Does the word 'report' in section 46.9, MCLA mean the Board's minutes in entirety, or may a synopsis or abbreviated text be substituted for the mandatory newspaper publication?"

In your opinion request you cite OAG, 1939-1940, p 176 (August 3, 1939), in which the Attorney General concluded that 1851 PA 156, § 9, MCLA 46.9; MSA 5.329, established a mandatory requirement that a report of the proceedings of a County Board of Commissioners meeting be published in at least one well-established newspaper subsequent to each meeting.

MCLA 46.9; MSA 5.329 provides:

"They shall cause to be made out and published immediately after each session in at least 1 well-established newspaper . . . a report of the proceedings of said board at such session, including a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed and amount allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as found on his balance sheet or account current in making the settlement; . . ."

Neither the above-cited statute nor the 1939 Attorney General's opinion states explicitly that the proceedings of a meeting of the County Board of Commissioners must be published verbatim. Rather the requirement is that a *report* of the proceedings be published.

Therefore, the answer to your question turns upon the meaning of the word "report."

When MCLA 46.9; MSA 5.329 is examined closely it becomes apparent that the legislature did not intend that the proceedings be published in their entirety. If such had been the intent of the legislature, then it would not have been necessary for the legislature to specify that certain financial information must be published since such information would necessarily be published if a verbatim report was required.

Hence the requirement that a report of the meetings of the County Board of Commissioners be published in at least one well-established newspaper is met by the publication of a synopsis of the proceedings. The synopsis must include the following information:

“ . . . a report of the proceedings of said board at such session, including a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed and amount allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as found on his balance sheet or account current in making the settlement; . . .” [MCLA 46.9; MSA 5.329]

While there are no Michigan cases on point, courts in other states have construed the word “report” to mean a synopsis or abbreviated text. Thus, in *Metropolitan Life Insurance Co v Union Trust Co of Rochester*, 268 App Div 474; 51 NYS2d 318 (1944), the Court held that a general statement of the situation which gave rise to the litigation, which called attention to the elements necessary to the cause of action alleged, which discussed the facts and laws applicable thereto, and which concluded with the statement that the complaint should be dismissed was a sufficient report on the part of the referee. Similarly, in the case of *Mandell v Board of Commissioners of Bernalillo County*, 44 NM 109; 99 P2d 108 (1940), the Court was called upon to rule whether a report submitted by a board of reviewers appointed in proceedings for the vacation of a road was sufficient. The board of viewers submitted a finding that the road was not needed, the justification for such finding, and a recommendation that it be closed. The Court held that this report was sufficient under the statute which required a report to be submitted to the county commissioners. Thus, it is apparent that courts when called upon to construe the word “report” have not construed it to mean a verbatim restatement of the proceedings. In essence, the report must be specific enough to indicate what occurred at the meeting.

FRANK J. KELLEY,
Attorney General.

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CITIES: Expenditure of funds for corporate purposes

TOWNSHIPS:

Home rule cities and townships may not expend funds for legal services to challenge school district boundaries.

Opinion No. 4819

June 10, 1974.

Honorable Jerome T. Hart
The Senate
Lansing, Michigan

You have presented the following information:

“Previously, the City of Zilwaukee and Kochville Township were encompassed in one school system. The junior high school in Zilwaukee and two elementary schools in neighboring Kochville Township will be closed. There will be one elementary school left in Zilwaukee and the junior high students from both communities will be bussed to North Intermediate School in the City of Saginaw.